



**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/987,005	12/08/97	HOWELL	MICL:038

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QM11/0315

EXAMINER

RUSHING JR, B

ART UNIT

PAPER NUMBER

3729

DATE MAILED: 03/15/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/987,005

Applicant(s)

Howell

Examiner

Bobby Rushing, Jr.

Group Art Unit

3729

☒ Responsive to communication(s) filed on Restriction Election filed February 14, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 5-14 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 5-14 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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## DETAILED ACTION

### *Election/Restriction*

1. The Restriction Election of Group II, claims 5-14, without traverse, is acknowledged.

Claims 1-4 are withdrawn from consideration.

### *Claim Rejections - 35 U.S.C. § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 5-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S.

Patent 5,008,491 to Bowman et al.

The patent to Bowman et al. sets forth a method for managing cable using an apparatus having a tray (50) with notches (60) and a cover (40-42) with ports (43) wherein cable (63) is arranged in the tray, passed through the notch, connected to the port and the cover mounted to the tray as shown in Figs. 1 and 3.

4. Claims 5, 7-11, 13 and 14 are rejected under 35 U.S.C. 102(a) as being anticipated by The Siemon Company's (Siemon) Multi-Access Cable Manager, products RWM-1 and RWM-1DS.

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The cable managers produced by Siemon consist of a tray having notches and cover separate from the tray wherein cable(s) is/are arranged in the tray and may pass through a notch and the cover is used to close the tray.

*Claim Rejections - 35 U.S.C. § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over The Siemon Company's (Siemon) Multi-Access Cable Manager, products RWM-1 and RWM-1DS in view of U.S. Patent 5,362,923 to Newhouse et al.

The aforementioned Siemon cable manager lacks a cover having a port. The patent to Newhouse et al. sets forth a cable managing method utilizing a tray (102) and cover (140) wherein the cover has a port wherein the cable can be connected to the port (Figs. 10 and 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Siemon cable manager by providing a port to the cover as to connect a cable as taught by Newhouse et al.

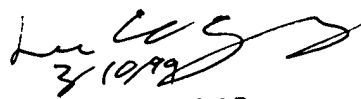
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***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bobby Rushing, Jr. whose telephone number is (703) 308-8505. Any question of general nature pertaining to this application should be directed to the group receptionist at (703) 308-1148.

  
LEE W. YOUNG  
PRIMARY EXAMINER

brjr

March 9, 1999